

DAE
PTO/SB/64 (09-06)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)
927-001

First named inventor: Diane Nerby

Application No.: 10/678,048

Art Unit: 2171

Filed: 10/02/2003

Examiner: TBD

Title: ONLINE EMPLOYEE ASSESSMENT AND MANAGEMENT PERFORMANCE SYSTEM AND METHOD

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- Small entity-fee \$ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
 (Paid on August 29, 2006)
 Other than small entity – fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of REPLY TO MISSING PARTS (identify type of reply):

- has been filed previously on _____
 is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____.

- has been paid previously on _____
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Diane Nerby

Group Art Unit: 2171

Serial No.: 10/678,048

Examiner: TBD

Filed: October 2, 2003

Atty. Doc. No.: 927-001

For: ONLINE EMPLOYEE ASSESSMENT AND MANAGEMENT PERFORMANCE
SYSTEM AND METHOD

Mail Stop Petition
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COVER LETTER

Petition Under 37 C.F.R. 1.137(b)

Enclosed is a petition for revival of an application in support of a petition under 37 C.F.R. § 1.137(b) for unintentional delay in responding to the November 18, 2004 Notice of Missing Parts. The petition fee is enclosed herein.

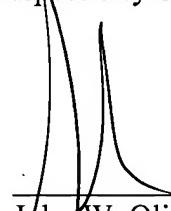
Should any changes to the petition be deemed necessary to place the application in condition for allowance, the Commissioner is respectfully requested to contact the undersigned to discuss the same.

This Petition is believed to be timely filed. If a petition for extension of time and/or any other fees are required, the Patent and Trademark Office is specifically authorized to charge

such fee to Deposit Account No. 23-0420 in the name of Ward & Olivo.

Date: November 12, 2007

Respectfully Submitted,



John W. Olivo, Jr.
Reg. No. 35,634
Ward & Olivo
283 Springfield Ave.
Summit, NJ 07901
908-277-3333